

City Council Agenda

Council President
Lee Brand

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Clinton J. Olivier - Acting President

Sal Quintero
Larry Westerlund
Blong Xiong

City Manager
Mark Scott

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

April 7, 2011

8:30 A.M. ROLL CALL

Invocation

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Councilmember Xiong - **Presented**

Presentation of Certificates to the Student Ambassadors going to Munster, Germany for the Summer of 2011- Councilmember Westerlund - **Presented**

Proclamation of "PUBLIC SAFETY TELECOMMUNICATIONS WEEK" – Mayor's Office and All Councilmembers – **Read and presented**

Presentation of Prime Time for Business "Ncapsul" – Downtown and Community Revitalization Dept. – Local Business Initiatives – **Presentation made**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the office of the City Clerk. The Council meeting can also be heard live at the same web site address, or viewed live on Cable Channel 96 and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of March 31, 2011

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time permits.

- A. Approve Contract Change Order No. 9 for Fresno City Hall chiller replacement project – Public Works Dept.

Action Taken: Removed from the agenda

- B. **RESOLUTION** – Authorizing the Director of Aviation or other authorized representative to (1) execute all related documentation for pre-application and application to the Federal Aviation Administration (FAA) for Airport improvement Program (AIP) grants for Federal fiscal years 2011 and 2012 for both Fresno Yosemite International Airports (FYI) and Fresno Chandler Executive Airport (FCH) as shown in the City's fiscal year 2011 budget capital improvement plan; acceptance of FAA AIP grant(s) for fiscal year 2011 and fiscal year 2012 projects at both airports including all subsequent amendments thereto offered by the FAA and (2) apply for and accept grants and all subsequent amendments thereto offered by the California Department of Transportation Aeronautics Division for matching funds should they be made available on fiscal year 2011 and 2012 FAA-approved projects at the Fresno Chandler Executive Airport – Airports Dept.

Action Taken: Resolution No. 2011-58 adopted

- C. Approve application for and acceptance of grant award for \$296,100 from the U.S. Department of Homeland Security Assistance to Firefighters Grant Program and authorize the Fire Chief to complete all required documents – Fire Dept.

Action Taken: Approved

1. **RESOLUTION** - Authorizing the application for and acceptance of fiscal year 2010 Cycle U.S. Department of Homeland Security Assistance to Firefighters Grant Program and authorizing completion of documents

Action Taken: Resolution No. 2011-59 adopted

2. * **RESOLUTION** - 80th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138, appropriating \$236,900 from the U.S. Department of Homeland Security Assistance to Firefighters Grant Program to the Fire Department to provide training and equipment (***Requires 5 affirmative votes***)

Action Taken: Resolution No. 2011-60 adopted

1. **CONSENT CALENDAR CONTINUED**

- D. Approve a one-year agreement with Fresno Senior Softball League for the use and maintenance of the Quigley Softball Field (*Property located in District 1*) - PARCS
Action Taken: Approved
- E. Approve a one-year agreement with Bullard Cal Ripken for the use and maintenance of Figarden Loop Park (*Property located in District 2*) - PARCS
Action Taken: Removed from the agenda
- F. Approve Amendment No. 1 to Disposition and Development and HOME Agreement with Habitat for Humanity Fresno, Inc., granting a time extension for the completion of two (2) affordable single-family homes on E. Garrett Avenue (*Property located in District 3*)– Downtown and Community Revitalization Dept.
Action Taken: Approved

CONTESTED CONSENT CALENDAR

REGULAR MEETING OF THE CITY OF FRESNO CULTURAL ARTS PROPERTIES'

- A. **RESOLUTION** – Authorizing the amending and restating of the articles of incorporation, the adoption of a Conflict of Interest policy, and the filing of federal and state income tax exemption applications, providing for the City of Fresno Cultural Arts Properties Corporation to operate as a 501(c)(3); authorizing the amending and restating of the bylaws, changing the City of Fresno Cultural Arts Properties Corporation's fiscal year end from June to December * *COFCAP Board only – Mayor Swearengin, Brand, and Westerlund*
Action Taken: COFCAP Resolution No. 2 adopted

ADJOURN

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:15 A.M. #1 **GENERAL ADMINISTRATION**

- A. **RESOLUTION** - Authorizing the City Manager or designee to negotiate an agreement with Reading & Beyond for the operation of Mosqueda Community Center (*Property located in District 5*) - PARCS
Action Taken: Resolution No. 2011-61 adopted
- B. Authorize separate airline operating agreements with AeroMexico Airlines and Volaris Airlines, including incentives under the City's international airlines incentives program and further authorize the Director of Aviation to execute all necessary documents – Airports Dept.
Action Taken: Authorized
- C. Approve application for and acceptance of grant award for \$2,327,900 from the U.S. Department of Homeland Security Assistance to Firefighters Grant Program and authorize the Fire Chief to complete all required documents – Fire Dept.
Action Taken: Approved
1. **RESOLUTION** - Authorizing the application for and acceptance of fiscal year 2010 Cycle U.S. Department of Homeland Security Assistance to Firefighters Grant Program and authorizing completion of documents
Action Taken: Resolution No. 2011-62 adopted
2. * **RESOLUTION** - 81st amendment to the Annual Appropriation Resolution (AAR) No. 2010-138, appropriating \$998,800 from the U.S Department of Homeland Security Assistance to Firefighters Grant Program to the Fire Department and \$750,200 to the Police Department to provide equipment (*Requires 5 affirmative votes*)
Action Taken: Resolution No. 2011-63 adopted

- A. **WORKSHOP-** Presentation by Fresno County Economic Opportunities Commission (EOC) on the proposed cuts to the Community Service Block Grant (CSBG) and the impacts on the City of Fresno – Councilmember Baines - **Held**
- B. **Reserve Management Act – Council President Brand**
Action Taken: **Discussed**
1. * **RESOLUTION** – To establish the Reserve Management Act to institute formal reserve policies
Action Taken: **Resolution No. 2011-64 adopted**

CLOSED SESSION

- A. **CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6:
City Negotiators: Ken Phillips, Terry Bond
Employee Organizations: IUOE, Stationary Engineers, Local 39 (L39)
Fresno City Employees Association (FCEA)
Fresno Police Officers Association (FPOA Basic)
International Association of Firefighters, Local 753 (IAFF Basic)
Amalgamated Transit Union, Local 1027 (ATU)
International Brotherhood of Electrical Workers, Local 100 (IBEW)
Fresno Police Officers Association (FPOA Management)
International Association of Firefighters, Local 753 (IAFF Management)
City of Fresno Professional Employees Association (CFPEA)
City of Fresno Management Employees Association (CFMEA)
Fresno Airport Public Safety Supervisors (FAPSS)
Action Taken: **Held**

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

1. Appearance by members of the Fresno Convention and Visitors Bureau to discuss the importance of bid monies to bring sporting events to the City of Fresno – **Removed/to be re-scheduled**

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Apr.	13 - (Weds)	2:00 P.M.	Employee Service Awards Presentation (<i>Reception immediately following – 2nd floor foyer</i>)
Apr.	14 -	MEETING	
Apr.	21 -	NO MEETING – EASTER WEEK	
Apr.	28 -	10:00 A.M.	HEARING re: Rezone Application No. R-10-007, filed by Dirk Poeschel
Apr.	28 -	10:15A.M.	CONTINUED HEARING regarding the reversion of acreage of Final Map of Tract 4983 – Public Works Dept.
May	5 -	MEETING	
May	12 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates Ceremony (<i>Reception immediately following – 2nd floor foyer</i>)
May	19 -	MEETING – ROLL CALL AT 9:00 A.M.	
May	26 -	10:00 A.M.	HEARING re: CFD No. 11, Annexation No. 42, Tract No. 5977 (<i>Property located in District 6</i>)